

REMARKS

Claims 1-24 have been cancelled without prejudice, and claims 25-30 have been added. No new matter has been added. For instance, support for the new claims appears e.g. at pages 8-10 and original claims 2-4 and 24 of the application.

As an initial matter, Applicants respectfully request receipt of an initialed 1449 form indicating that the information submitted with the Information Disclosure Statement of August 20, 2000 has been considered and made of record. The undersigned also will contact the Examiner by telephone to further confirm that previously submitted Information Disclosure Statement.

Claims 1-4 and 24 were rejected under 35 U.S.C. 103 over Douglas et al. (U.S. Patent 4,393,077). The rejection is traversed.

Douglas et al. reports a quite broad generic formula. Most of the compounds identified by Douglas et al. are 1,3-substituted guanidines, i.e. each of the amino nitrogens has a non-hydrogen substituent. See the Douglas document at columns 7 through 10. Other named compounds reported by Douglas do not overlap Applicants claims as presented herein.

Such disclosure is not sufficient to sustain the instant rejection. This is made clear e.g. by Section 2144.08 of the Manual of Patent Examining Procedure, which states in part:

The fact that a claimed species or subgenus is encompassed by a prior art genus is not sufficient by itself to establish a *prima facie* case of obviousness.

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Similarly, consider any teaching or suggestion in the reference of a preferred species or subgenus that is significantly different in structure from the claimed species or subgenus. Such a teaching may weigh against selecting the claimed species or subgenus and thus against a determination of obviousness.

In view thereof, reconsideration and withdrawal of the rejection are requested.

Claims 17, 18 and 20 were rejected under 35 U.S.C. 103 over Weber et al. (U.S. Patent 5,190,976). The rejection is traversed.

The Weber patent recites N,N'-disubstituted guanidines, i.e. guanidine compounds that have multiple non-hydrogen substituents on each of two nitrogens of the guanidine moiety.

The pending claims call for compounds that have multiple non-hydrogen substituents on one nitrogen of a guanidine moiety.

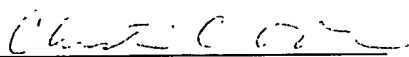
Thus, compounds recited in Applicants' pending claims can include a guanidine moiety with *two* primary amino or unsubstituted imine (e.g. -NH₂ or =NH) groups, whereas in Weber the disclosed compounds have *one* primary amino or unsubstituted imine group of a guanidine moiety.

Such structural differences make clear that a *prima facie* case of obviousness has not been presented.

In view thereof, withdrawal of the rejection is requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,


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